

Message Text

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ACTION L-03

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E. O. 11652: NA

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS--

FINAL CLAUSES

1. VEROSTA (AUSTRIA), CHAIRMAN OF WORKING GROUP ON FINAL CLAUSES, INTRODUCED TEXT OF SIX ARTICLES DEALING WITH SIGNATURE, RATIFICATION, ACCESSION, ENTRY INTO FORCE, NOTIFICATIONS BY DEPOSITARY, AND AUTHENTIC TEXTS. STRUCTURE IS THAT OF FINAL ARTICLES SPECIAL MISSIONS CONVENTION WITH TWO EXCEPTIONS: "ALL STATES" FORMULA SUBSTITUTED FOR EXPANDED VIENNA FORMULA AND TEN RATHER THAN TWENTY-TWO RATIFICATIONS REQUIRED FOR ENTRY INTO FORCE.

2. ALTERNATIVES TO ALL STATES FORMULA PROPOSED IN COMITE RANGED FROM FRENCH INSTANCE ON EXPANDED VIENNA FORMULA PLUS SEPARATE GENERAL ASSEMBLY RESOLUTION LISTING NAMES OF STATES SPECIALLY INVITED TO BECOME PARTIES AS PER LOS, TO BRITISH ADVOCACY OF QUADRI-PARTITE (US, UK, USSR AND MEXICO) MECHANISM, BUT SUBSTANTIAL MAJORITY OF DELEGATIONS SUPPORTED WORKING GROUP TEXT. DELOFF RECALLED DIFFICULTY SECRETARY-GENERAL HAD HAD WITH ALL STATESFORMULA IN PAST AND ASKED STAVROPOULOS HOW SECRETARIAT VIEWED WORKING GROUP'S TEXT.

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3. STAVROPOULOS REPLIED THAT DEPOSITARY'S FUNCTION NOT A MECHANICAL ONE; THAT UNDER FORMULA SECRETARY-GENERAL WOULD AT MINIMUM HAVE TO DECIDE WHETHER PERSON WISHING TO SIGN OR ACCEDE TO CONVENTION REPRESENTED STATE. HE SAID THAT IN ANSWERING THAT QUESTION THE SECRETARY-GENERAL WOULD ACCEPT SIGNATURE OR ACCESSION ON BEHALF OF ANY STATE MEETING VIENNA FORMULA AND ANY OTHER ENTITY THAT GENERAL ASSEMBLY HAD INDICATED IS A STATE EITHER BY A RESOLUTION TO THAT EFFECT OR BY INVITING IT TO ATTEND AN INTERNATIONAL CONFERENCE. HE NOTED THAT ASSUMING PASSAGE OF INVITATION TO ATTEND LAW OF SEA CONFERENCE PENDING BEFORE GENERAL ASSEMBLY, SECRETARY-GENERAL WOULD CONSIDER THAT GUINEA BISSAU AND NORTH VIET NAM COVERED BY FORMULA PRESENTED BY WORKING GROUP. WHILE USSR DEL EXERCISED RIGHT OF REPLY TO STATE THAT IT FAVORED WORKING GROUP FORMULA AND THAT IT CONSIDERED STAVROPOULOS PRESENTATION OF DIFFICULTIES INACCURATE SINCE DEPOSITARY ROLE IN ITS VIEW WAS PURELY MECHANICAL ONE, TEREKHOV OF USSR DEL HAD TOLD DELOFF PREVIOUSLY THAT HAGUE CONVENTION FORMULA (US, UK, USSR) TRIPLE DEPOSITARIES PROBABLY ULTIMATELY ACCEPTABLE TO MOSCOW.

4. UK, ARGENTINA, INDIA INDICATED SUPPORT FOR ADDITION OF DENUNCIATION ARTICLE TO FINAL CLAUSES. GREEK DEL POINTED OUT NEED PROVIDE THAT DENUNCIATION SHOULD NOT AFFECT INTERNATIONAL OBLIGATIONS OF DENOUNCING STATE WITH RESPECT TO OFFENSES COMMITTED WHILE CONVENTION IN FORCE FOR THAT STATE. I AGREED DRAFTING COMMITTEE WOULD PROPOSE TEXT.

5. STATES NOT ENTHUSIASTIC ABOUT CONVENTION, E.G. ALGERIA, GABON, IRAQ, PROPOSED CHANGING NUMBER OF STATES FOR ENTRY INTO FORCE TO 33, 35, OR 45. INDIA SUGGEST COMPROMISE OF 22. MANY SUPPORTERS OF CONVENTION (EE'S AND WEO'S) URGED RETENTION OF 10 PARTIES FOR ENTRY INTO FORCE.

COMMENT: DEL BELIEVES IT WILL BE ABLE IN DRAFTING COMMITTEE CIRCUMSCRIBE EFFORTS UNREASONABLY TO INCREASE LATTER NUMBER.
END COMMENT.

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6. ARGENTINA, KENYA, MADAGASCAR HAVE RAISED QUESTION ON RESERVATIONS CLAUSE. AFRICANS HAVE THUS FAR LIMITED THEIR COMMENTS THIS POINT TO STATING THEY WANT TO BE FREE NOT TO APPLY COOPERATION PROVISIONS OF ARTICLE 3 WHEN ASKED TO DO SO BY STATES PRACTICING APARTHEID. COMMENT: THERE IS AS YET NO CONSENSUS ON NEED FOR RESERVATION ARTICLE. ALTHOUGH DELEGATION INCLINED AVOID ANY ARTICLE THIS SUBJECT IF POSSIBLE, WE PLAN RETAIN OPEN MIND IF STRONG PRESSURE

DEVELOPS FOR A RESERVATIONS CLAUSE SO LONG AS CLAUSE DOES NOT PERMIT
RESERVATIONS TO ARTICLES 1, 2, 4, 5, 6, 7, 8. END COMMENT.

7. DEBATE IN COMMITTEE ON FINAL ARTICLES SEEMS TO HAVE RUN
COURSE. ARTICLES WILL PROBABLY BE CONSIDERED BY DRAFTING
COMMITTEE AFTERNOON FRI, NOV 9.
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